

By Senator Wayland:

Senate bill No. 7, A bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature."

Read first time, and referred to Committee on Finance.

By Senator Lewis:

Senate bill No. 8, A bill to be entitled "An Act to amend Article 1333 of the Revised Civil Statutes of Texas, relating to the submission of special issues to the jury."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lewis:

Senate bill No. 9, A bill to be entitled "An Act to provide for the appointment, by the court, of attorneys to represent absent defendants when cited by publications."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Sebastian:

Senate bill No. 10, A bill to be entitled "An Act to provide for the location and building, at Abilene, Texas, an asylum for the treatment of the epileptic insane of the State of Texas, and to make an appropriation therefor."

Read first time, and referred to Committee on Asylums.

By Senator Ross:

Senate bill No. 11, A bill to be entitled "An Act to provide for the right of redemption of real estate within one year from date of sale when sold under execution, mortgage, or other lien."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Ross:

Senate bill No. 12, A bill to be entitled "An Act in relation to the taking of depositions of the Commissioner of the Land Office."

Read first time, and referred to Committee on Lands and Land Office.

By Senator Sebastian:

Senate bill No. 13, A bill to be entitled "An Act to amend Article 490, Title XV, Chapter 1, Penal Code of the State of Texas, by adding thereto subdivisions 7 and 8, and to repeal a portion of Article 492, Title XV, of the Penal Code."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell:

Senate bill No. 14, A bill to be entitled "An Act to amend subdivisions 1 and 2, Article 1093, Title XV, Chapter 2, of the Code of Criminal Procedure of the State of Texas, relating to attached witnesses."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Lewis:

Senate bill No. 15, A bill to be entitled "An Act to establish a State Board of Embalming, to provide for the better protection of health and life, to prevent the spread of contagious diseases, and to regulate the practice of embalming and the care of and disposition of the dead."

Read first time, and referred to Committee on Public Health.

By Senator Morriss (by request):

Senate bill No. 16, A bill to be entitled "An Act to amend Articles 3763, 3764, 3765, 3766, 3767, 3768 and 3770, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 3776a and 3776b, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas."

Read first time, and referred to Committee on Public Health.

Senator Ross moved that at the close of to-morrow morning's session the Senate go into executive session to consider the Governor's appointments.

Carried.

On motion of Senator Wayland, the Senate adjourned to 10 a. m. to-morrow.

#### FOURTH DAY.

Senate Chamber,

Austin, Tex., Friday, Jan. 13, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Burns.	Patterson.
Lewis.	Stone.

Absent—Excused.

Odell.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday.

On motion of Senator Neal, the same was dispensed with.

#### EXCUSED.

On motion of Senator Stafford, Senator Lewis was excused for today on account of important business.

On motion of Senator Ross, Senator Atlee was excused for non-attendance on yesterday on account of important business.

On motion of Senator Miller, Senator Patterson was excused indefinitely (from yesterday) on account of sickness.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Jan. 12, 1899.

*Hon. Geo. T. Jester, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 6, being a bill to be entitled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employes' per diem of the Twenty-sixth Legislature."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Jan. 12, 1899.

*Hon. Geo. T. Jester, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 7, being a bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Greer:

Senate bill No. 17, A bill to be entitled "An Act requiring the claimant of the title to land under the Statutes of Limitation of five years and ten years to record a declaration of his claim after the same has matured; and providing what said declaration shall contain; and defining the rights of innocent purchasers of the land so claimed; and further providing the compensation of clerks for recording such claims."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Potter:

Senate bill No. 18, A bill to be entitled "An Act for the relief of railway corporations, and belt and suburban railway companies, having charters granted or amended since the first day of January, 1887, and which have failed or about to fail to construct their roads and branches, or any part thereof, within the time required by law."

Read first time, and referred to Committee on Internal Improvements.

By Senator Miller:

Senate Concurrent Resolution No. 1, Providing for a joint committee to count the vote for Governor and Lieutenant-Governor, and for the inauguration of said officers.

Resolution read and  
Adopted.

By Senator Davidson:

Resolved, That Committee Clerk Otto D. H. Pfeuffer be assigned to Committee on Finance and Committee on Judicial Districts.

Adopted.

#### BILLS ON SECOND READING.

The Chair laid before the Senate,

Senate bill No. 6, A bill to be entitled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employees' per diem of the Twenty-sixth Legislature."

Bill read second time, and ordered engrossed.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—26.

Atlee.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Burns.

Stone.

Absent—Excused.

Lewis.  
Odell.

Patterson.

Bill read third time and passed by the following vote:

Yeas—26.

Atlee.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Burns. Stone.  
Stafford.

Absent—Excused.

Lewis. Patterson.

The Chair laid before the Senate, Senate bill No. 7, A bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature."

Bill read second time, and ordered engrossed.

On motion of Senator Wayland, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Burns. Stone.  
Stafford.

Absent—Excused.

Lewis. Patterson.

Bill read third time, and passed by the following vote:

Yeas—26.

Atlee.	Greer.
Davidson.	Grinnan.
Dibrell.	Hanger.
Goss.	James.
Gough.	Johnson.

3—Senate

Kerr.	Potter.
Linn.	Ross.
Lloyd.	Sebastian.
McGee.	Terrell.
Miller.	Turney.
Morriss.	Wayland.
Neal.	Yantis.
Odell.	Yett.

Absent.

Burns. Stone.  
Stafford.

Absent—Excused.

Lewis. Patterson.

#### EXECUTIVE MESSAGE.

The following message from the Governor was read, to-wit:

EXECUTIVE OFFICE,

AUSTIN, January 12th, 1899.

*To the Senate and House of Representatives:*

It seems proper in view of the gross misrepresentation of the transaction that your attention should be specially invited to the collection of the balance of the indemnity due this State by the United States growing out of the boundary controversy in 1850.

By an act of the Congress of the United States, approved June 7th, 1898, the sum of \$101,113.27 was appropriated to pay the State of Texas for the claim arising under the acts of Congress approved September 9th, 1850, and February 28th, 1855, respectively, which will be more fully referred to hereafter, and the entire amount was deposited in the State Treasury to account of general revenue July 25th, 1898, by United States treasury warrant payable to the State of Texas, and duly endorsed by me.

The claim is one of long standing and arose in the settlement with the United States of the northern and western boundaries of the State in 1850. So much of the act of Congress, approved September 9th, 1850, as affects the question, provided that for the relinquishment of certain territory by the State mentioned in the act, the United States would pay ten million dollars in stock, bearing five per cent. interest. The act also provided that no more than five million dollars of said stock should be issued until the creditors of the State holding bonds and certificates of stock of Texas, for which duties on imports were specially pledged, should first file at the treasury of the United States releases of all claims against the United States for or on account of said bonds or certificates in such form as should be prescribed by the Secretary of the Treasury. By the act of Congress, approved February 28th,

1855, it was provided that, in lieu of the five million dollars of stock withheld under the provisions of the act of 1850, above cited, the United States would pay certain claims against the Republic of Texas, named in section 1, of the act, pro rata, estimated to amount to the sum of \$7,750,000, and that where the State had paid any of such claims the amount should be refunded; not, however, to exceed the sum the creditors would have received under the pro rata payment. The sum of \$7,750,000 was appropriated to carry out the act, the \$2,750,000 in excess of the five million dollars of stock being intended in part to include claims made by the State against the United States by reason of Indian depredations. The sum paid was supposed, when the appropriation was made, to be the balance of the appropriation of \$7,750,000 which was not paid to the creditors of Texas. The controversy between the two governments, covering a period of more than forty years, was whether this balance belonged to Texas or inured to the benefit of the United States in consequence of the lack of creditors or failure to present their claims. By several successive acts of Congress the time within which creditors could present their claims was extended until January 1st, 1861. On June 30th, 1877, this balance of \$101,113.27 was covered into the treasury of the United States and could not have been thereafter withdrawn or any part thereof without an act of Congress. Afterwards, by an act of Congress, approved February 14th, 1883, the sum of \$45,000 was appropriated to pay the claim of Thomas Toby against the Republic of Texas, and it was paid March 7th, 1883. By joint resolution of the State of Texas, approved March 30th, 1881, the Toby claim was fully acknowledged and recognized. This joint resolution also provided in effect, that if the heirs of Thomas Toby before memorializing Congress or applying for payment of the claim should file a release of all claims against the State of Texas in the State treasury, the payment of this claim would be accepted as a credit on the amount claimed to be due the State. This release was duly filed and consequently the sum due the State was \$56,113.27, instead of \$101,113.27. Those in charge of the matter for the State were misled as to the balance in the treasury to the credit of this fund by a letter from the Secretary of the Treasury. It is therefore respectfully recommended that the sum of \$45,000 be at once refunded to the United States.

Special counsel were employed to collect this money, and to this your atten-

tion is now called. In the summer of 1897 Ex-Governor Hogg, representing the law firm of Hogg & Robertson of Austin, informed me that he knew of a large claim due the State by the United States, which he believed he could collect if authorized and employed to do so. Attorney-General Crane was sent for and the claim discussed. Neither the Attorney-General nor myself had any previous knowledge of the existence of the claim, nor, as subsequently developed, had the Treasurer or Comptroller. The substantial result of the conference and discussion, relating both to the validity of the claim and the expediency of employing special counsel, was that the Attorney-General and myself were of the opinion that the claim could not probably be collected, and whether special counsel should be engaged was for me to determine. The matter was taken under advisement, and after mature consideration a contract was entered into with Messrs. Hogg & Robertson, dated July 30th, 1897, under which they were authorized to prosecute and collect the claim. A copy of the contract is transmitted with this message. The balance of the fund having been covered into the treasury the claim could only be collected by Congressional appropriation or judicial action in the court of claims at Washington, and, in the latter case, because of the age of the claim, special authority to sue the United States would probably have been necessary. The reasons for this employment were these: (1) The counsel employed gave the information of the existence of the claim to the State authorities, without which it probably never would have been collected, and good faith suggested that it should not be used without credit to those who furnished it. It is not true that the claim was discovered by them in the sense that no other persons had heard of it, but it is true in the equivalent sense that those who had had previous knowledge of it had either forgotten it or abandoned all hope of securing its payment. No member of Congress from Texas and no State official, it is believed, made any effort to collect the money or any part thereof after 1883, and it is reasonable to suppose that they were either not advised of the claim or did not believe it could be collected. To have sent the claim to a member of Congress for presentation under the circumstances, without recognizing the value of its revival, would, to my mind, have smacked of bad faith. The fact that the Toby claim was paid in 1883 or that previous to that time efforts possibly were made to collect claims for other creditors does not meet the question, because

the United States were always ready to pay the valid claims of creditors. The controversy between the United States and Texas was over the balance of the fund after all creditors were paid or exhausted by failure to present their claims, and it is believed that the last effort previous to this which was made to collect the money for the State, as contradistinguished from her creditors, was in 1879, and it failed. (2) It has been my invariable custom upon reasons of courtesy, as well as others, to consult the Attorney-General before employing special counsel. It was not my understanding that he desired, under the circumstances, to take charge of this matter, particularly in view of his opinion of the claim, or had any objection to the employment of counsel. Aside from this, in my judgment, he neither had the time nor was it his duty to collect the claim, either by congressional appropriation or suit in the court of claims. It is well known that there was such press of official business in his office at that time, covering, besides the usual work and litigation, such extraordinary matters as the trust cases, the railway rebate cases and the school fund cases, as to render it utterly impracticable for him to have given this important matter the necessary attention. It will certainly not be insisted that it is the duty of the Attorney-General to secure congressional appropriations for the payment of claims due the State. Nor is it part of his official duty to represent the State in the court of claims or other courts of the United States. This officer has often represented the State in the Federal courts, both in this and previous administrations, but neither by the Constitution nor laws is it made his duty.

Constitution, Art. IV, Sec. 22.

Rev. Stats., Title LII, Chap. 5.

He has appeared in such cases either under the direction of the Governor or through custom and the prevailing loose opinion that the law imposed the duty upon him. In the celebrated Greer County case in the Supreme Court of the United States, the Attorney-General did not originally appear, as is shown by the answer on file, but the State was for some time represented wholly by special counsel. There was in the present case no disposition to ignore the Attorney-General and he was not ignored. He was promptly and freely consulted, and my understanding of the result of the consultation on this point, as already stated, was that if in my judgment it was expedient to employ the counsel it was satisfactory, or at least was not objectionable. (3) Another reason for the employment was that the claim was con-

tested by the United States, and special services were deemed necessary for success. It has already been stated, on the authority of the Assistant Secretary of the Treasury by telegram to me, that the balance was covered into the treasury June 30th, 1877, and no part of it could be drawn out except by act of Congress. It not only required an act of Congress to withdraw the money, but the claim of the State to the residue was resisted and had been resisted for forty years. More than this, it was admitted at the outset of the controversy by our Senators in Congress that Texas made no claim to the balance. In December, 1856, in discussing a resolution introduced by Senator Rusk of Texas, on the subject of extending the time within which creditors should present their claims, Senator Benjamin of Louisiana said: "To the rest of the fund she has, in my judgment, not the shadow of a claim,"—to which Senator Rusk immediately responded—"nor is she setting up any." Afterwards and in the course of the same debate, Senator Rusk said: "I think I can safely say that the State of Texas does not desire this money. She has given it for a release of a debt of \$10,078,000. \* \* \* Texas expects to receive nothing from it. \* \* \* She has received her share and released the United States from it."

(Congressional Globe, 3rd Sess. 34th Cong. 129, 143, 144.)

Most of the Senators who took part in this debate declared, as did Senators Benjamin and Rusk, that Texas had no claim to the balance and all others present seemingly concurred in that view. From this time continuously the claim has been opposed in Congress whenever presented, and often the speech of Senator Rusk in 1856, was used to defeat it. In January 1873, the Legislature of Texas, for the first time, so far as is known, expressly asserted a right to the balance of the fund, and directed the Comptroller and Governor to collect it. If any effort was made to do so it resulted in failure. In 1874 Governor Coke called the attention of the Texas delegation in Congress to the matter and it is presumed that everything practicable was done, but it was ineffectual. During the Hayes administration another effort was made by our Representatives, and while a favorable committee report was obtained the measure failed to pass the House of Representatives. My information is that other attempts were made by our Congressional delegation to secure the appropriation of this money subsequent to this, but all of them failed, and after 1883, when the Toby claim was paid, the claim of the State to the balance was apparently abandoned. It lay dormant and un-

noticed until revived as set forth in this communication and though finally paid it was strenuously assailed, according to my information, in the committees of both houses. There can be no question, therefore, that from the beginning the claim of the State has been vigorously attacked and it is certainly worthy of consideration, as indicating the expediency and necessity of employing counsel, that it was uniformly defeated until this was done.

It will be seen from the contract that the compensation for collecting the money is ten per cent. of the amount collected, subject to legislative appropriation, and in my judgment it is fair and reasonable. Authority to enter into a contract of this character is found in the requirement of the Constitution that the Governor shall cause the laws to be faithfully executed, and in the act of the Legislature approved April 4th, 1887, now constituting Article 2907, Revised Statutes. It was upon this authority that counsel were employed in the Greer County case in 1890, and the Railroad Commission cases in 1892. Having confidence in the judgment and sense of right of that body, the clause in the contract providing that the fee should be subject to appropriation by the Legislature was inserted to avoid misrepresentation, because of the magnitude of the transaction and a willingness and desire to submit it to the approval of the people through their representatives. The fee is believed to be just for these among other reasons: (1) It is the usual and customary fee for the collection of money, (2) the claim was practically revived by the counsel who were employed, (3) they were to pay all of their expenses, (4) the claim having been defeated for years the hazard was considerable and the probability of success not particularly inviting, and (5) besides the time and labor involved in a legitimate presentation of the matter to Congress, counsel obligated themselves in the event of failure there to proceed judicially in the court of claims, which would probably have necessitated frequent trips to Washington, and an appeal to the Supreme Court of the United States. The contract did not contemplate lobbying, for in that case it would have been justly contrary to public policy and void. Professional services only, were engaged, such as collecting facts, preparing briefs and arguments, and if necessary the conduct of the case in the court of claims. Contract for such services is allowable and legitimate, and none other than these were employed on this claim. Counsel collected the facts, prepared the brief and visited Washington twice in prosecution of the

claim. When the question is dispassionately considered; when the time and labor involved, and which were apparently involved, are regarded; when it is recalled that the able and distinguished men in Congress from Texas since 1873, failed to secure it; and that by reason of the employment, a net sum exceeding fifty thousand dollars supposed to be lost will be recovered, it is submitted that the contract was both expedient and reasonable. For collecting \$339,000 on a claim due the State, which was practically uncontested, Governor Coke paid \$39,000 as fee or more than ten per cent., and without submitting the matter to the Legislature, as has been done in this case. It may be that in the present case the claim was collected with less expense and labor than was anticipated, but the contract and fee must be measured not alone by what was done, but also by what might have been necessary in order to fully test the rights of the State. The contract calls for ten per cent. of the amount collected, and the sum actually paid was \$101,113.27. For reasons heretofore given, however, the State cannot honorably retain more than \$56,113.27, and it is therefore recommended that ten per cent. of that amount be paid as fee.

The question whether the State should insist upon the payment of interest and therefore retain the \$45,000 paid on the Toby claim has been fully considered, and in my judgment this should not be done. It is not usual for governments to pay interest on such claims.

State v. Mayes, 28 Miss., 709.

Whitney v. State, 52 Miss., 732.

This State acted upon this principle in refunding the money to Bacon and Graves in 1897, the money being used by the State for seven years without interest. Besides this, in presenting the claim originally to Congress the State has not at any time insisted upon the payment of interest, and it seems improper, now that the money is in our Treasury upon erroneous information, to raise the question for the first time. If the Legislature believes interest should be paid it would accord more with propriety and good faith to return the money and submit the claim for interest to Congress.

(Copy.)

#### THE STATE OF TEXAS.

KNOW ALL MEN BY THESE PRESENTS, That, whereas, the law firm of Hogg & Robertson have made known to me that in their opinion, under the Act of Congress of February 28th, 1855, appropriating \$7,750,000.00 for the creditors of the State of Texas, and other acts amenda-

tory and supplementary thereto, that the United States Government is yet due to this State an unexpended balance to which it is now entitled and should recover by judicial action or through congressional appropriation; and

Whereas, if the Federal Government in fact owes any balance on this account to the State of Texas, its settlement and collection would involve the necessity of legal services, which in view of the present crowded condition of the Law Department as well as other departments of this State, it becomes proper and expedient to employ counsel to perform this service.

Now, in consideration of the premises, I hereby direct and authorize the said law firm of Hogg & Robertson to proceed to collect the said unexpended balance due the State of Texas, if any, and for their services the State of Texas will pay to them the sum of ten per cent. on the amount they may collect on said account, subject to legislative appropriation.

Witness my hand and official signature, this the 30th day of July, A. D. 1897.

C. A. CULBERSON,  
Governor.

(In duplicate.)

#### EXECUTIVE SESSION.

On motion of Senator Linn the Senate went into executive session, as per order of the Senate on yesterday.

#### AFTER EXECUTIVE SESSION.

In executive session the following confirmations were had:

E. D. Cavin of Galveston county, Judge of the Criminal District Court of Galveston and Harris counties.

Wells Thompson of Matagorda county, Judge of the Twenty-third Judicial District.

#### RECESS.

On motion of Senator Greer, the Senate took a recess till 11:30 a. m. today.

#### AFTER RECESS.

(Senator Potter in the chair.)

#### COMMITTEE REPORTS.

The following privileged committee reports were made:

Committee Room,  
Austin, Texas, January 13, 1899.  
*Hon. Geo. T. Jester, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, being a bill to be en-

titled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employes' per diem of the Twenty-sixth Legislature."

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, January 13, 1899.

*Hon. Geo. T. Jester, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 7, being a bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature,"

And find the same correctly engrossed.  
JAMES, Chairman.

On motion of Senator Gough, the Senate adjourned to 3:30 p. m. today.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Davidson.	Morriss.
Goss.	Odell.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Burns.	Neal.
Dibrell.	Stone.
McGee.	

Absent—Excused.

Lewis.	Patterson.
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#### EXCUSED.

On motion of Senator Stafford, Senator Dibrell was excused from attendance on this evening's session on account of important business.

On motion of Senator Terrell, Senator Burns was excused for today on account of important business.

On motion of Senator Grinnan, Senator McGee was excused indefinitely on account of sickness.

## HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,  
Austin, Texas, Jan. 13, 1899.

*Hon. Geo. T. Jester, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bill:

Senate bill No. 6, An act to be entitled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem and officers' and employes' per diem of the Twenty-sixth Legislature."

Also Senate bill No. 7, An act to be entitled "An Act to make appropriation to defray the expenses of the Twenty-sixth Legislature."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

## BILLS AND RESOLUTIONS.

By Senator Lloyd:

Senate bill No. 19, A bill to be entitled "An Act to amend Article 5049, Chapter 1, Title CIV of the Revised Statutes, relating to general occupation taxes."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Turney:

Senate bill No. 20, A bill to be entitled "An Act to set apart and appropriate to the permanent school fund of the State of Texas all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations; and to provide for the disposition of the same."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Hanger:

Senate bill No. 21, A bill to be entitled "An Act to prohibit attorneys-at-law from becoming sureties on bail bonds and recognizances, and providing a penalty for the violation of the provisions of this act."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Gough:

Be it Resolved, That Joe Mathews be and he is hereby appointed by the Senate as page, and he shall receive the same compensation as the other pages.

By Senator Potter:

Amend the resolution by adding the name "Orman Evans of Grayson county," after the name "Matthews."

Lost.

The resolution was then,  
Adopted.

By Senator Terrell:

Resolved, That the Sergeant-at-Arms be instructed to keep an itemized account with each Senator for postage and stationery; also an itemized account of all other contingent expenses of the Senate, and furnish a copy of the same to the Journal Clerk on the adjournment of the Legislature, and that the same be published in and become a part of the Journal of the Senate.

Senator Goss moved to lay the resolution on the table subject to call.

Carried.

## BILLS SIGNED.

The Chair gave notice of signing, and did sign, after their captions had been read:

Senate bill No. 6, A bill to be entitled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employes' per diem of the Twenty-sixth Legislature," and

Senate bill No. 7, A bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature."

On motion of Senator Kerr, the Senate adjourned to Monday next 10 a. m.

## FIFTH DAY.

Senate Chamber,

Austin, Tex., Monday, Jan. 16, 1899.

Senate met pursuant to adjournment.

Lientenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Odell.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yantis.
Linn.	Yett.

Absent.

Hanger.	Stafford.
Lewis.	Stone.
Neal.	

Absent—Excused.

McGee.	Patterson.
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Prayer by the Chaplain, Rev. Dr. Denson.